

Kansas Department of Health and Environment
Proposed New Permanent Regulation

Lodging Establishments

- 28-36-70. Definitions. Each of the following terms as used in K.A.R. 28-36-70 through K.A.R. 28-36-89 shall have the meaning assigned in this regulation. (a)
- “Bathhouse” means a room provided to guests, including a locker room, shower room, or other similar room, where guests can shower, store personal items, or change into appropriate clothing for use in the spa.
- (b) “Bed and breakfast home” means a boarding house that is a private residence where the owner or manager resides and provides lodging and meals for guests. Any licensee operating a bed and breakfast home may serve food only to the licensee’s overnight guests, unless the licensee obtains a food service license.
- (c) “Boarding house” has the meaning specified in K.S.A. 36-501, and amendments thereto.
- (d) “Egress” means an exit or route leading out of a lodging establishment.
- (e) “Extended-stay establishment” means a lodging establishment in which a room is rented or leased to transient guests. Housekeeping functions are not provided on a daily basis.
- (f) “Hotel” has the meaning specified in K.S.A. 36-501, and amendments thereto.
- (g) “Hot tub” means a pool or container of water designated for recreational use in which one or more people can soak. A hot tub can use hydrojet circulation or an air induction system, or a combination of these, to provide water circulation. A hot tub can

use various water temperatures and additives, including minerals and oils, to provide therapy or relaxation.

(h) “KDHE” means Kansas department of health and environment.

(i) “Kitchenette” means a compact kitchen with cooking utensils, tableware, refrigerator, microwave, stove, or sink or any combination of these.

(j) “Licensee” means a person who is responsible for the operation of the lodging establishment and possesses a valid license to operate a lodging establishment.

(k) “Linens” means the cloth items used in the lodging establishment, including sheets, bedspreads, blankets, pillowcases, mattress pads, towels, and washcloths.

(l) “Lodge” means a boarding house or a rooming house that provides seasonal lodging for recreational purposes. If meals are provided for overnight guests, the lodge is operating as a boarding house. If meals are not provided for overnight guests, the lodge is operating as a rooming house.

(m) “Lodging establishment” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(n) “Major renovation” means a physical change to a lodging establishment or portion of a lodging establishment, including the following:

(1) Replacing or upgrading any of the following types of major systems:

(A) Electrical;

(B) plumbing;

(C) heating, ventilation, and air-conditioning;

(2) demolition of the interior or exterior of a building or portion of the building;

and

(3) replacement, demolition, or installation of interior walls and partitions, whether fixed or moveable.

Major renovation shall not include replacement of broken, dated, or worn equipment and other items, including individual air-conditioning units, bathroom tiles, shower stalls, and any other items that do not require additional or new plumbing or electrical repairs.

(o) “Municipality” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(p) “Person” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(q) “Person in charge” means the individual or employee who is present in the lodging establishment at the time of the inspection and who is responsible for the operation. If no designated individual or employee is the person in charge, then any employee present is the person in charge.

(r) “Recreational water facility” and “RWF” mean a water environment with design and operational features that provides guests with recreational activity and that involves immersion of the body partially or totally in the water. This term shall include water slides, watercourse rides, water activity pools, jetted pools, and wave pools. This term shall not include swimming pools and hot tubs.

(s) “Regulatory authority” means the secretary of the department of health and environment or the secretary’s designee.

(t) “Rooming house” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(u) “Sanitize” means to apply cumulative heat or chemicals on any clean surface so that, when evaluated for efficacy, the surface yields a reduction of 99.999% of disease-causing microorganisms.

(v) “Secretary” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(w) “Single-service articles” means items that are designed, constructed, and intended for one-time use and for one person’s use, after which the item is discarded. This term shall include plastic, paper, or foam tableware and utensils, lightweight metal foil, stirrers, straws, toothpicks, and other items including single-use gloves, bags, liners, containers, placemats, and wrappers.

(x) “Spa” means any area of a lodging establishment where a hot tub, swimming pool, fitness equipment, tanning bed, or similar guest amenities are located.

This regulation shall be effective on and after February 5, 2008. (Authorized by K.S.A. 36-506; implementing K.S.A. 36-501 and 36-506; effective, T-_____, _____; effective P-_____.)